

for Commission inspections, sufficient supporting documentation to justify the scheduled rates, including supporting contracts, calculations of the implicit fees, and justifications for all adjustments.

* * * * *

3. Section 76.971 is amended by adding new paragraph (g) to read as follows:

§ 76.971 Commercial leased access terms and conditions.

* * * * *

(g) Operators are not required to accept leases which are for less than a one-half hour interval.

4. Section 76.977 is amended by revising the heading to read as follows:

§ 76.977 Minority and educational programming used in lieu of designated commercial leased access capacity.

* * * * *

[FR Doc. 96-9194 Filed 4-12-96; 8:45 am]
BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 620

[Docket No. 960126016-6105-03; I.D. 040896B]

General Provisions for Domestic Fisheries; Amendment of Emergency Fishing Closure in Block Island Sound

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule; amendment.

SUMMARY: In response to a request from the State of Rhode Island, NMFS is amending further the emergency interim rule that closed a portion of Federal waters off the coast of the State of Rhode Island, in Block Island Sound subsequent to an oil spill. This amendment allows all legal fishing to resume with the exception of lobstering in a small portion of the previously closed area.

EFFECTIVE DATE: April 9, 1996 through May 01, 1996.

FOR FURTHER INFORMATION CONTACT: Daniel Morris at (508) 281-9388.

SUPPLEMENTARY INFORMATION: On January 19, 1996, an oil barge grounded and spilled more than 800,000 gallons (3.0 million liters) of heating oil into the waters of Block Island Sound, RI. On January 26, 1996, NMFS, at the request

of and in conjunction with the State of Rhode Island, prohibited the harvest of seafood from an area of approximately 250 square miles (647 square km) in Block Island Sound. The original area of closure was announced and defined in an emergency interim rule published in the Federal Register on February 1, 1996 (61 FR 3602).

On March 13, 1996, NMFS opened the entire area to fishing for and landing finfish and squid by gear types other than bottom trawl gear. This same action, published in the Federal Register on March 19, 1996 (61 FR 11164), expanded by approximately 28 square miles (73 square km) the area in which fishing for and landing lobsters, clams, and crabs is prohibited. The use of lobster traps, bottom trawl or dredge gear was prohibited throughout the expanded closed area.

Following the oil spill, State officials, in consultation with Federal agencies and the responsible party, developed a protocol for reopening fisheries in the affected area. The protocol sets sampling, inspection, and analysis standards, which, if met, would ensure that seafood is wholesome and would provide a basis for reopening fisheries.

In accordance with the protocol, State and Federal agencies have been testing the water and marine life in and around the closed area since the closure began. Seafood species have been subjected to inspection by sensory experts and chemical analysis. Though all seafood from the area has been determined to be safe for consumption, certain lobsters from one particular sector still show some evidence of oil adulteration. Therefore, NMFS, at the request of the State, is opening all areas to all fishing with the exception of the one sector (described below) where oil adulteration has been detected in lobsters. This area remains closed to fishing for, or possessing or landing American lobsters from the closed area.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

Testing has determined that consumption of seafood from the previously closed area does not pose a threat to human health. Fishermen who operate in the area would suffer severe economic hardship unnecessarily if the current prohibition were to remain in effect. Hence, the AA finds that the foregoing constitutes good cause to waive the requirement to provide prior

notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Further, as this provision relieves a restriction, it is made effective immediately pursuant to authority at 5 U.S.C. 553(d)(1).

This emergency rule has been determined to be not significant for the purposes of E.O. 12866.

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because this rule is not required to be issued with prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 620

Fisheries, Fishing.

Dated: April 9, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 620 is amended as follows:

PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

1. The authority citation for part 620 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 620.7, paragraphs (j) and (k) are removed, and paragraph (i) is revised to read as follows:

§ 620.7 General prohibitions.

* * * * *

(i) Fish for American lobsters in, or possess or land American lobsters from, the Federal waters of Block Island Sound bounded as follows: From the point where LORAN line 14470 intersects with the 3-nautical mile (6-km) line south of Point Judith, RI, proceeding south-southeasterly to its intersection with the 43870 line, thence southwesterly along the 43870 line to its intersection with the 3-nautical mile (6-km) line east of Block Island, RI, thence northerly and along said 3-nautical mile (6-km) line to the northern intersection of the 3-nautical mile (6-km) line and the 14540 line, thence northwesterly along the 14540 line to the intersection of the 3-nautical mile (6-km) line, thence northeasterly along the 3-nautical mile (6-km) line to the starting point.

[FR Doc. 96-9198 Filed 4-9-96; 4:51 pm]

BILLING CODE 3510-22-F